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1 THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Applicants: Eric Brechner, Dean Slawson, David Vest, Attorney Docket No. MICR0186
3 Krzysztof Cwalina, Glen Iwasaki,
John Thrall, and Colin Anthony

4 Serial No.: 09/533,504 Group Art Unit: 2712

5 Filed: March 23, 2000 Examiner: HA

6 Title: SEARCHING AND SORTING MEDIA CLIPS HAVING ASSOCIATED STYLE
AND ATTRIBUTES

7 DECLARATION UNDER 37 C.F.R. 1.47(A)

8 Bellevue, Washington 98004

9 December 5, 2000

11 TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

12 This declaration is made by applicant's undersigned attorney under 37 C.F.R. 1.47(a)
13 because inventor John Thrall is and has been unavailable or unwilling to execute the above-
14 identified patent application.

15 Relationship of Person Executing Declaration to Unavailable Inventor

16 The undersigned, Ronald M. Anderson, is the attorney of record in the above-identified
17 patent application, a Power of Attorney to Mr. Anderson having been executed by each of the joint
18 inventors except Mr. Thrall.

19 Declaration Under 37 C.F.R. 1.63:

20 Duly executed declarations under 37 C.F.R. § 1.63 are transmitted concurrently herewith,
21 executed by each of the above-identified inventors except for John Thrall.

22 Statement of Facts

23 John Thrall has been unavailable for executing a declaration of the above-identified as of
24 approximately March 31, 2000, due to the fact that his employment by Microsoft Corporation was
25 terminated. Several attempts have been made to contact Mr. Thrall by electronic mail, regular first class
26 U.S. mail, and certified U.S. mail (Certified Mail No. 7000 0520 0017 9505 6072). The electronic mail

1 messages to Mr. Thrall's last known e-mail address were not answered. The certified and regular U.S.
2 mail packages were both returned to sender (applicants' attorney), and copies of the returned packaging
3 are attached hereto. Other attempts have been made to learn of Mr. Thrall's whereabouts by inquiries
4 made to other inventors and people known to have worked with Mr. Thrall while at Microsoft, but the
5 inquiries were unfruitful. Microsoft Corporation's payroll records provided the mailing address from
6 which mail sent to him (noted above) has been returned. Two additional attempts have been made to
7 send the required documents, with prepaid return courier packaging, to Mr. Thrall by Federal Express.
8 The first Airbill, No. 818823918584, was delivered to his parent's residence on October 31, 2000 at
9 10:56 A.M. and was signed for by "John Thrall." The second airbill, No. 812199687701, was delivered
10 to his parent's address on November 15, 2000 at 2:02 P.M. and was signed for by "Thrall." Copies of
11 delivery confirmation for the Federal Express airbills are attached hereto. Additionally, during a
12 telephone conversation with Mr. Thrall's mother in Dumfries, Virginia 22026 (phone: 703-221-3336),
13 applicants' attorney was advised that Mr. Thrall is currently working for a company in California, and
14 was provided a new residence address and work telephone number for Mr. Thrall. Mr. Thrall's mother
15 also indicated that the earlier Federal Express packages had been forwarded by her to Mr. Thrall, in
16 California. An additional Federal Express package (airbill No. 8245 1450 3035) including a Declaration
17 and other documents was sent to Mr. Thrall's new work address on November 28, 2000, and Federal
18 Express has confirmed that the packages delivered on November 29, 2000. Additional voice mail
19 messages, left for Mr. Thrall at his new work number (540-461-2514), have gone unanswered, and an
20 email sent to his current employer (john.thrall@av.com) has gone unanswered.

21 The last known address for John Thrall is:

John Thrall
660 Tyrella Avenue, Apt. 38
Mountain View, California 94043

25 The undersigned attests that John Thrall was provided a copy of the application in the final
26 form in which it was filed with the United States Patent and Trademark Office, and that John Thrall

1 was aware of the contents of the application prior to its filing, but that he was unable to execute a
2 declaration for the application at that time, due to time constraints in completing the application
3 before the bar date of March 26, 2000. Further, based upon the attempts noted above to obtain
4 John Thrall's execution of the Combined Declaration and Power of Attorney, it appears that he is
5 refusing to do so.

6 I do hereby further declare that all statements made herein of my own knowledge are true and
7 that all statements made on information and belief are believed to be true; and further that these
8 statements were made with the knowledge that willful false statements and the like so made are
9 punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
10 Code, and that such willful false statements may jeopardize the validity of the application or any
11 patent issued thereon.

12 Respectfully submitted,

13 
Ron Anderson

14
15 Ronald M. Anderson
Registration No. 28,829

16 EXPRESS MAIL CERTIFICATE

17 "Express Mail" mailing label number: EL542941754US

Date of Deposit: December 5, 2000

18 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee"
service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C.
20231.

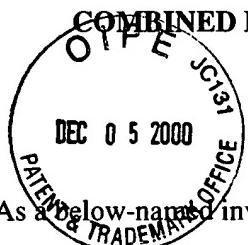
19
20 Kathy L. Paulino
(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

#3

**COMBINED DECLARATION AND POWER OF ATTORNEY
IN PATENT APPLICATION**



Attorney Docket No: **MICR0186**
MS#149356.1

As a below-named inventor, I hereby declare that:

my residence, post office address and citizenship are as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which patent is sought on the invention entitled: **SEARCHING AND SORTING MEDIA CLIPS HAVING ASSOCIATED STYLE AND ATTRIBUTES**, the specification of which was filed as application Serial No. 09/533,504, filed on March 23, 2000.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Foreign Serial Number(s)	Country	Date Filed	Priority Not Claimed	Certified Copy Attached?		Status
				YES	NO	
N/A						

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.

Provisional Application Serial Number(s)	Filing Date(s)
N/A	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States of America, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number(s)	PCT Parent Number(s)	Parent Filing Date(s)	Parent Patent Number(s) (if applicable)
N/A	N/A		

I hereby appoint the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: Ronald M. Anderson, Registration No. 28,829. Address all telephone calls to Ronald M. Anderson at telephone No. (425) 688-8816.

I hereby grant the following attorneys and/or agents an associate power of attorney with full power to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith: Daniel D. Crouse, Registration No. 32,022 and Katie E. Sako, Registration No. 32,628.

Address all correspondence to:

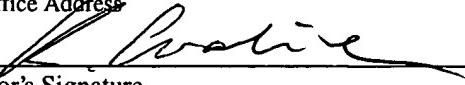
Ronald M. Anderson, Esq.
Law Offices Of Ronald M. Anderson
600 - 108th Avenue N.E., Suite 507
Bellevue, WA 98004

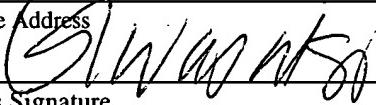
I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 9/21/2000
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Inventor's Signature Date

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Inventor's Signature Date 9/21/2000

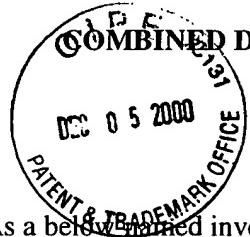
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Inventor's Signature Date 10.2.01

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Inventor's Signature Date



COMBINED DECLARATION AND POWER OF ATTORNEY IN PATENT APPLICATION

#3
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600 - 108th Avenue N.E., Suite 507
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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature Date


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Inventor's Signature Date


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<u>Same as Above</u>	
Post Office Address	

Inventor's Signature Date


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Post Office Address

Inventor's Signature Date

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Inventor's Signature Date

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Inventor's Signature Date

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11/4/00